

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

Baltimore Division

In re:)	
)	CHAPTER 13
ANTHONY DEANGELO)	
aka Anthony D. Deangelo,)	
)	CASE No. 08-21633-DK
Debtor.)	
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WELLS FARGO BANK, N.A.,)	
)	
Movant,)	
)	
v.)	
)	
ANTHONY DEANGELO)	
aka Anthony D. Deangelo,)	
)	
Respondent.)	

**MOTION TO STRIKE CONSENT STATUS AND REQUEST A NEW HEARING DATE
FOR MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Comes now Wells Fargo Bank, N.A., (hereinafter “Wells Fargo”), a secured creditor, by Counsel, and files its Motion Requesting a New Hearing Date for the Motion for Relief From the Automatic Stay and requests a hearing thereon, and in support thereof, state as follows

1. That this matter was scheduled to be heard February 23, 2009, upon the Motion of Wells Fargo, by Counsel, for Relief from the Stay imposed by 11 U.S.C. Sections 362(a), the response filed by the Debtor, the agreement of parties hereto and argument of Counsel.
2. That on September 10, 2008, the United States Bankruptcy Court for the District of Maryland entered an Order for Relief under 11 U.S.C. Chapter 13 upon a petition filed by Anthony DeAngelo aka Anthony D. DeAngelo, Case No. 08-21633-DK.

3. That on December 30, 2008, Counsel for Wells Fargo filed a Motion for Relief from Stay (Document No. 29).

4. That the parties involved herein, by and through Counsel for Wells Fargo and Counsel for the Debtor, agreed to enter into a Consent Agreement to forbear the foreclosure proceedings.

5. That the Debtor is post-petition due for the November 2008 through April 2009 consent stipulation payments stemming from the original default. A copy of said post-petition history and total payment breakdown is attached hereto, marked as Exhibit A, and expressly made a part hereof.

6. That on May 5, 2009, the consent agreement was faxed to Counsel for the Debtor.

7. That on May 21, 2009, Counsel for the Movant sent an e-mail requesting a status on the proposed consent.

8. That as of July 10, 2009, Counsel for the Movant has not received the executed consent agreement.

WHEREFORE, the undersigned respectfully move this Honorable United States Bankruptcy Court for entry of an Order striking the status of Consent Agreement for the Motion for Relief from Stay (Document No. 29) filed herein.

WELLS FARGO BANK, N.A.

/s/ Brian S. McNair
Brian S. McNair

BUONASSISSI, HENNING & LASH
A Professional Corporation
1861 Wiehle Avenue, Suite 300
Reston, Virginia 20190
(703) 796-1341 ext.1127

By: /s/ Brian S. McNair
Brian S. McNair
Federal Bar No. 25270
Of Counsel to Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2009, a true copy of the foregoing Motion and proposed Order were mailed, postage prepaid, to:

Anthony DeAngelo - Debtor
3525 Smith Road
Darlington, MD 21034

And electronically transmitted to:

Adam M. Freiman, Esquire - Counsel for Debtor(s)
Sirody, Freiman & Feldman, PC
1777 Reisterstown Road
Suite 360 E
Baltimore, MD 21208

Ellen W. Cosby - Trustee
P.O. Box 20016
Baltimore, Maryland 21284-0016

/s/Brian S. McNair
Brian S. McNair